

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

May 25, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell "Chip" Shay, Erick Weiland, John Willett and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **MINUTES**
  - A. Adopt the April 27, 2010 Minutes – Mr. Shay moved to adopt the April, 27, 2010 minutes. Mr. Epperson seconded. Mr. Weiland, Mr. Komm and Dr. Schaefer Kliman requested a minor edits. Mr. Shay amended his motion to include the minor edits. Mr. Epperson seconded. Motion Carried. (Ms. Perchinelli was not present for this vote.)
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Consent Agreements
    - 1a. M08-008, Manuel T. Montano, RLS #16580.
    - 1b. M08-123, Manuel T. Montano, RLS #16580

The Board took action on Items 5.A.1a and 1b in one vote. Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Restitution: Respondent shall pay restitution to Sean Washburn in the amount of \$1,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$265.00. Mr. Komm seconded. After discussion, Motion carried. (Ms. Perchinelli was not present for this vote.)

2. M09-087, Edgar B. Reynolds, RLS #31031 – Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Amend the Survey: Respondent shall amend the survey, submit it to the Board for review and approval, and the record the survey in the county recorder's office; Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$250.00. Mr. Komm seconded. After discussion, Motion carried. (Ms. Perchinelli was not present for this vote.)

3. M10-020, Marc E. Schiff, Architect #33585 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following Order: Surrender of Respondent's Architect Registration #33585. Dr. Schaefer Kliman seconded. After discussion, Motion carried. (Ms. Perchinelli was not present for this vote.)

4a. M09-038, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4b. M09-042, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4c. M09-053, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4d. M09-097, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4e. M09-130, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

The Board took action on Items 5.A.4a-e in one action. Ms. Perchinelli recused herself, stating a Conflict of Interest. Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following Order: Suspension: Respondent's P.E. (Civil) Registration, #15685, shall be suspended for one (1) year from the effective date of the Consent Agreement. After discussion, Motion Failed.

Mr. Shay moved to redirect Staff to obtain a signed Consent Agreement to include three (3) year suspension of registration, including after 24-months Respondent can show cause as to why his registration should be lifted early. Motion died for lack of a second.

Mr. Epperson moved to direct Staff to obtain a signed Consent Agreement for a stayed revocation where the registration is suspended for three (3) years during which time Respondent shall make full restitution to all parties. Respondent's failure to pay restitution in full shall result in a lifting of the stay and imposition of revocation. If Respondent fails to sign the Consent Agreement within 21-days the matter shall proceed to formal hearing for revocation. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

#### B. Review, Discussion, and Consideration

1. M09-062, NADC Architects – Andrew J. Hlavaty, Architect #40097 and Kenneth G. Hill, Architect #38028 appeared telephonically and addressed the Board in separate phone calls. Each was asked and agreed to waive any additional questions and/or right to be present to hear the other address the Board and advised they would abide by the Board's decision in this matter. After hearing both parties, Dr. Schaefer Kliman moved to dismiss the matter as the issues are a fee dispute and were not within the Board's jurisdiction, rather a civil matter. Mr. Epperson seconded. Motion Carried.

At 11:00 AM the Board took a five minute break and returned to session at 11:05 AM.

2. M09-009, Will Architects, Jeffrey S. Will, Architect #11038 – Mr. Jeffrey Will addressed the Board. Ms. Woodall moved to open this matter for discussion. Dr. Schaefer Kliman seconded. After discussion, Mr. Komm moved to table this matter until the June 22, 2010 meeting, allowing the parties additional time to reach a written/signed agreement. Dr. Schaefer Kliman seconded. Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Approve, modify or reject proposed on-site supervisor 2-hour annual refresher training course study guide and test. Mr. Weiland moved to approve the proposed on-site supervisor 2-hour annual refresher training course study guide and test and requested that the information be made available on the Board's web site. Mr. Willett seconded. After discussion, Motion Carried.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Irimescu, Vlad, Architect Application #080785 – Dr. Schaefer Kliman moved to approve Mr. Irimescu's Architect application and grant him registration. Ms. Woodall seconded. After discussion, Motion Carried.

B. Turner, William, Geologist Application #090720 – Mr. Weiland moved to close Mr. Turner's application file for failure to provide the required documents to make the application complete. Mr. Komm seconded. After discussion, Motion Carried.

C. Cartozian, Darryl, Architect Application #091107 – Dr. Schaefer Kliman moved to approve Darryl Cartozian's Architect application and grant him registration. Mr. Epperson seconded. After discussion, Motion Carried. (Ms. Woodall abstained.)

Dr. Schaefer Kliman moved to re-open this matter, rescind the motion to grant and request proof, within 21-days, from Mr. Cartozian that he has completed the Intern Development Program ("IDP") or the file will be closed for failure to provide the required documents to make the application complete. Mr. Epperson seconded. After discussion, Motion Carried.

D. Garg, Mohit, Civil Engineer Application #100053 – Mr. Willett moved to rescind the granting of registration made at the April 27, 2010 Board meeting, re-open application file #100053, authorize Mohit Garg to take the FE and PE examinations and, upon providing proof of passing said examinations, grant registration. Mr. Komm seconded. After discussion, Motion Carried. (Ms. Woodall voted Nay.)

E. Korpelaninen, Sami, Civil Engineer Application #090957 – Mr. Willett moved to rescind the granting of registration made at the April 27, 2010 Board meeting, re-open application file #090957, authorize Sami Korpelaninen to take the PE examination and, upon proof of passing said examination, submit a new application for registration. Ms. Perchinelli seconded. After Discussion, Motion Carried.

F. Hutchinson, Henry, Structural Engineer Application #100188 – Ms. Perchinelli moved to approve Henry Hutchinson's Structural Engineer application and grant him registration. Mr. Shay seconded. After discussion, Motion Carried.

## **9. LICENSING CONSENT AGENDA**

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCBES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that, with the exception of applicant Michael Marinaro #091513, under 9(A)(4) be moved to 9(A)(2), the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

The Board considered requests from Greg V. Smith, Applicant #040348 and John M. Pierzchala, Applicant #040682 to be removed from the "closed list;" but denied them. Both cases were closed based upon Applicants' failure to meet licensing requirements.

## **10. POLICY MATTERS**

Review, Consideration, and Possible Vote on the following:

- A. Professional Reciprocity between Canada and Association of State Boards of Geologist ("ASBOG") for geologists.

Mr. Weiland provided background to the Board regarding international geologists, how geology is a mobile profession and, as such, ASBOG believes the practice of geology should be as flexible as possible for geologists to apply their trade in other areas.

After discussion, the Board took no action on this Item.

- B. Possible Misuse of Professional Engineering Seal relating to "As-Built" Plans; improper supervision or work; conflict between Maricopa County and State rules.

This matter has been tabled until the June 22, 2010 meeting.

- C. Disaster Assistance and Protection of Registrants Pursuant to the "Good Samaritan" Law, A.R.S. § 32-110.

Rick L. Bright, Architect #20105 addressed the Board. After discussion, this Item was Tabled until the June 22, 2010 meeting.

- D. ASBOG Task Analysis 2010 Preliminary Results

Mr. Weiland provided statistical information resulting from the ASBOG Task Analysis 2010 to the Board. There was no action taken on this Item.

- E. The Need for Arizona Stamps and Seals on ADOT/CALTRANS Colorado River Bridge/Arizona Bridge #1488 Project.

Ms. Perchinelli recused herself, stating a Conflict of Interest.

Mr. Dalrymple advised CalTrans contacted the Board seeking information on exceptions to the Board's practice act that would allow for a temporary registration to be given to engineers working on construction of a bridge between California and Arizona. Arizona doesn't have the ability to give a temporary registration but the Board will consider expediting applications for registration from California applicants working on this bridge project.

No action was taken on this issue.

## **11. Review, Consideration, and Possible Vote on the following:**

- A. Registrations that have been expired for 3 years and recommended to be lapsed: There are no individuals for this issue.

- B. Certifications that have been expired for 1 year and recommended to be lapsed:  
(List of names available at the Board's office for public review.)

Mr. Epperson moved to lapse the certificates listed in 11.B. Dr. Schaefer Kliman seconded. Motion Carried.

**12. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

**Finances:**

As of May 10, 2010, the Board's revenue for Fiscal Year 2010 totals \$1,547,661 and the expenditures total \$1,245,900. It is currently estimated that the Board's revenue for FY10 will exceed expenditures by approximately \$300,000.

The Board is still in the process of exploring Lexis/Nexus to assist with locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals.

**Legislation:**

The legislature approved the proposed Home Inspector bill adding pools and spas to the items to be inspected.

**Computer System:**

The Board continues to meet with representative from the Government Information Technology Agency ("GITA"); NIC and CAVU in an attempt to replace the AS/400 system with a modern licensing system. The last communication from GITA stated that they hoped to have a cost proposal before the end of the fiscal year so we would have a chance to commit funds to the project from this year's revenues.

As of March, the Arizona Department of Administration is billing the Board for all expenses associated with the AS/400 since the Board is the only agency on the system. The normal billing will be approximately \$72,000 annually, however, the Board will also be held responsible for any additional programming and repair costs associated with the system.

**13. BOARD CHAIR'S REPORT – Ms. Cesare advised she has nothing new to report.**

**14. STANDING COMMITTEE REPORT**

A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised: 1. there was discussion on possible revision to the references of applicants, however no action was taken; 2. there was discussion regarding comity applications but no action was taken; 3. there was discussion regarding public agencies requesting as-built certification/sealing of as-built drawings for which Mr. Lane will prepare an article for the quarterly newsletter explaining the Board's position on this issue.

Mr. Epperson provided a brief summary of the proposed revisions to the current Arizona Boundary Survey Minimum Standards and advised there was no action taken on this item.

The next meeting is scheduled for after the August 24, 2010 Board meeting.

B. Budget Committee – Nothing new to report.

C. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay advised the HIRS met on May 5, 2010 regarding the following: 1. discussed the previously submitted Substantive Policy Statement regarding Survey Type Inspections and decided this was not the correct approach and requested this item be withdrawn from consideration by the L&R Committee and the Board; 2. discussed home inspector rules or professional conduct referrals and will seek to draft a Substantive Policy Statement to address this issue; 3. discussed the issue of non-inspectors attending inspections and decided it was not an issue for the HIRS Committee; 4. discussed the issue of home inspectors being responsible for reporting non-code conforming items on the report and decided it was not part of the services defined by the Standards so it was not an issue for the Committee; 5. the 2010 Pool & Spā Inspection Bill has been passed by the legislature and added to the scope of work performed by a home inspector but the moratorium on new rules may pose a challenge; and 6. discussed revisions to the checklist supplemental & industry practices by adding requirements concerning identification of water piping materials; polybutylene water piping, and aluminum branch circuit wiring. These items will be added at the time of the annual update in the fall of 2010.

D. Environmental Remediation Rules and Standards Committee (“ERRS”) – Nothing new to report.

#### **15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Epperson advised he attended the conference in Salt Lake City, Utah earlier this month. The land surveyors discussed a mandatory 4-year degree instead of the current 2-year degree before allowing licensure. California and Arizona are not in favor of this. There was also discussion on homogenizing the title to one acronym rather than the several different ones in use now.
- B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised there is nothing new to report. There is an annual meeting scheduled to begin June 23, 2010 in San Jose, California and she will provide a report at the July 27, 2010 meeting.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing new to report. The next meeting isn’t until August 2010.

- D. National Association of State Boards of Geology ("ASBOG") –Mr. Weiland advised the Board submitted the nominating form and he will notify the Board of the results.

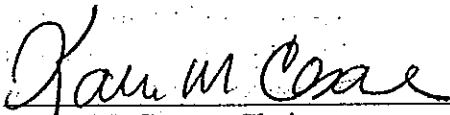
**16. FUTURE BOARD MEETINGS – Tuesday, June 22, 2010 at 9:30 AM.**

**17. FUTURE AGENDA ITEMS**

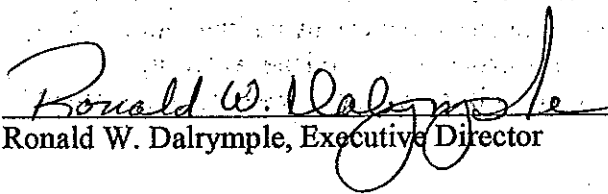
- A. Possible Misuse of Professional Engineering Seal relating to "As-Built" Plans; improper supervision or work; conflict between Maricopa County and State rules.
- B. The Need for Arizona Stamps and Seals on ADOT/CALTRANS Colorado River Bridge/Arizona Bridge #1488 Project

**18. ADJOURNMENT – Meeting adjourned at 12:33 PM.**

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**



Karen M. Cesare, Chair



Ronald W. Dalrymple, Executive Director